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DOCKET NO.: B1102.70015US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Allyn Hubbard, et al.  
Serial No.: 10/760,171  
Confirmation No.: 1143  
Filed: January 15, 2004  
For: APPARATUS FOR PERFORMING ASSAYS AT REACTION SITES  
  
Examiner: Not yet assigned  
Art Unit: 1743

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 5th day of December, 2005.

*Angela M. Griffith*  
Signature  
*Angela M. Griffith*

MAIL STOP AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

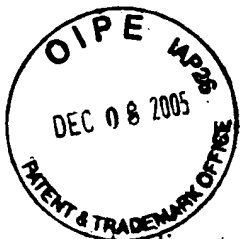
A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

*(=att)*  
Timothy J. Oyer, Ph.D., Reg. No. 36,628  
Tani Chen, S.D., Reg. No.: 52,728  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: B1102.70015US01  
Date: December 5, 2005  
xNDDx



DOCKET NO.: B1102.70015US01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

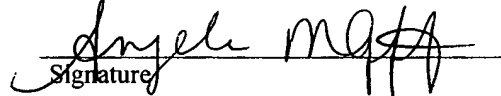
Applicant: Allyn Hubbard, et al.  
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Signature

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

Serial No.: 10/760,171  
Conf. No.: 1143

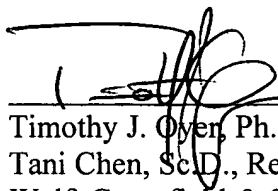
- 3 -

Art Unit: 1743

An early and favorable action is hereby requested.

Respectfully submitted,

By:



Timothy J. Over, Ph.D., Reg. No. 36,628  
Tani Chen, Sc.D., Reg. No. 52,728  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: B1102.70015US01

Date: December 5, 2005

xNDDx

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 1 of 2

APPLICATION NO.: 10/760,171

ATTY. DOCKET NO.: B1102.70015US01

FILING DATE: January 15, 2004

CONFIRMATION NO.: 1143

APPLICANT: Allyn Hubbard, et al.

GROUP ART UNIT: 1743

EXAMINER: Not yet assigned

## U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM/DD/YYYY
		Number	Kind Code		
		3,679,367		Negersmith et al.	07/25/1972
		4,258,647		Pohl et al.	03/31/1981
		4,279,862		Brethaudiere et al.	04/21/1981
		4,381,291		Ekins	04/26/1983
		4,495,149		Iwata et al.	01/22/1985
		4,515,889		Klose et al.	05/07/1985
		4,676,952		Edelmann et al.	06/30/1987
		4,745,072		Ekins et al.	05/17/1988
		4,940,527		Kazlauskas, et al.	07/10/1990
		5,006,749		White	04/09/1991
		5,160,702		Kopf-Sill et al.	11/03/1992
		5,171,533		Fine et al.	12/15/1992
		5,171,695		Ekins	12/15/1992
		5,173,262		Burtis et al.	12/22/1992
		5,242,803		Burtis et al.	09/07/1993
		5,252,294		Kroy et al.	10/12/1993
		5,304,487		Wilding et al.	04/19/1994
		5,368,704		Madou et al.	11/29/1994
		5,409,665		Burd	04/25/1995
		5,413,732		Buhl et al.	05/09/1995
		5,449,621		Klein	09/12/1995
		5,472,603		Schembri	12/05/1995
		5,532,128		Eggers et al.	07/02/1996
		5,599,502		Miyazaki et al.	02/04/1997
		5,627,041		Shartle	05/06/1997
		5,639,428		Cottingham	06/17/1997
		5,935,785		Reber et al.	08/10/1999
		6,013,513		Reber et al.	01/11/2000
		6,338,820		Hubbard et al.	01-15-2002

## FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	*	EP	0 305 210		Biotrack, Inc.	03-01-1989	
	*	EP	0 322 657		Miles, Inc.	05-07-1989	
	*	EP	0 410 645		Technicon Instr.	01-30-1991	
	*	EP	0 417 305		Idemitsu Petrochemical Co.	03-20-1991	
	*	EP	0 523 522		Berthold Lab Prof Dr	01-20-1993	

FORM PTO-1449/A and B (Modified)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/760,171		ATTY. DOCKET NO.: B1102.70015US01	
				FILING DATE: January 15, 2004		CONFIRMATION NO.: 1143	
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Sheet	2	of	2				

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		Office/Country	Number	Kind Code			
	*	EP	0 616 218		Hitachi, Ltd.	09-21-1994	
	*	JP	3245049		Idemitsu Petrochemical Co.	10-31-1991	
	*	WO	93/22058		Univ. Pennsylvania	11-11-1993	
	*	WO	96/31782		B C Research Inc.	10-10-1996	
	*	WO	97/21090		Gamera Bioscience	06-12-1997	

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	*	ARQUINT, P., et al., "Micromachined Analyzers on a Silicon Chip," <i>Clinical Chemistry</i> , vol. 40, No. 9, (1994), pp. 1805-1809.	
	*	BURKSTRAND, B., "Breakthrough Reported on Gene-Reading 'Biochip'," E03 (Jun. 30, 1998) <a href="http://www.washingtonpost.com/wp-srv/WPlate/1998-06/30/0981-063098-idx.html">http://www.washingtonpost.com/wp-srv/WPlate/1998-06/30/0981-063098-idx.html</a> .	
	*	European Search Report mailed Dec. 12, 1998.	
	*	"Introducing the BioChip Arrayer™," (May 15, 1998) <a href="http://www.packardinst.com/pr/pr598-1.htm">http://www.packardinst.com/pr/pr598-1.htm</a> .	
	*	"Motorola, Packard Instrument Co. and Argonne to Develop Advanced Biochip Technology," (Jun. 29, 1998) <a href="http://www.packardinst.com/pr/pr698-3.htm">http://www.packardinst.com/pr/pr698-3.htm</a> .	
	*	"Motorola, Packard to Make 'Biochips'," (Jun. 29, 1998) <a href="http://washingtonpost.com/wp-srv/digest/tech2.htm">http://washingtonpost.com/wp-srv/digest/tech2.htm</a> .	
	*	"New Advanced Tools to Decode the Human Genome Introduced by Packard Instrument Company," (Jun. 29, 1998) <a href="http://www.packardinst.com/pr/pr698-4.htm">http://www.packardinst.com/pr/pr698-4.htm</a> .	
	*	Schematic Drawing, Sony KSS36361A Optical Pickup Organization, (Date unknown).	
	*	SCHEMBRI, C.T., et al., "Portable Simultaneous Multiple Analyte Whole-Blood Analyzer for Point-of-Care Testing," <i>Clinical Chemistry</i> , vol. 38, No. 9 (1992), pp. 1665-1670.	
	*	WHOMAS, G. and OPHEY, W., "Optical Recording," <i>Physics World</i> , (1990), pp. 36-41.	
	*	WRIGHT, J.A., et al., "Towards a Functional Mems Neurowell by Physiological Experimentation," <i>DSC</i> , vol. 59, Microelectromechanical Systems (MEMS) ASME (1996).	
EXAMINER:		DATE CONSIDERED:	

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/134,141, filed August 14, 1998, and relied upon for an earlier filing date.

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]